

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

LUTHER C. BASHAM,

Plaintiff,

v.

CIVIL ACTION NO. 5:06-cv-00604

CORRECTIONAL MEDICAL SERVICES,
INC., et al.,

Defendants.

MEMORANDUM OPINION

Pending before the Court is Plaintiff's Motion for Temporary Restraining Order and Order to Show Cause [Docket 129]. By Standing Order entered on August 1, 2006, and filed in this case on August 4, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R [Docket 137] on February 26, 2009, recommending that this Court deny Plaintiff's Motion for Temporary Restraining Order and Order to Show Cause.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's Order. *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were

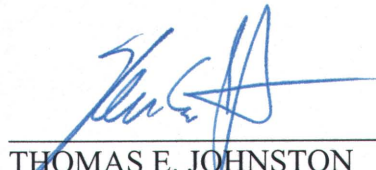
due by March 13, 2009, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 137] in its entirety and **DENIES** Plaintiff's Motion for Temporary Restraining Order and Order to Show Cause [Docket 129].

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 18, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE